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Attorneys for Plaintiff and Counter-Defendant ViaSat, Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

VIASAT, INC.

a Delaware corporation,

Plaintiff and Counter-Defendant,

v.

ACACIA COMMUNICATIONS, INC.

a Delaware corporation,

Defendant and Counter-Claimant.

) Case No. 3:16-463-BEN-JMA

)

) **Declaration of Matthew S. Warren**
) **in Support of *Ex Parte* Application for**
) **Leave to Correct Errors in Motions for**
) **Summary Judgment and to Exclude**
) **Expert Testimony**

) Hon. Dist. Judge Roger T. Benitez

) Hon. Magistrate Judge Jan M. Adler

) Case Initiated: January 21, 2016

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1 I, Matthew S. Warren, declare as follows:

2 1. I am an attorney licensed to practice in the State of California, and a partner at
3 the law firm of Warren Lex LLP, counsel for ViaSat, Inc. ("ViaSat") in this action. I have
4 personal knowledge of the matters set forth herein and, if called as a witness, could and
5 would testify competently thereto.

6 2. In its opposition papers filed this past Friday, February 16, 2018 (Docket Nos.
7 119 and 120), Acacia identified several citation errors in ViaSat's Memorandum in
8 Support of Summary Judgment on Acacia's Counterclaim for Patent Misappropriation,
9 Docket No. 89-1, and ViaSat's Memorandum of Points and Authorities in Support of
10 ViaSat's Motion to Exclude Expert Testimony, Docket No. 95-1. ViaSat has described
11 these errors in the *ex parte* application to which this declaration is an exhibit.

12 3. Until Acacia filed Docket Nos. 119 and 120, we were unaware of these errors.
13 Once we received these filings, we immediately investigated and confirmed that Acacia
14 had identified citation errors in our briefs. We further confirmed that these errors arose
15 because of cite-checking mistakes at my office. This is no excuse, and I mention it only
16 to confirm that our errors were inadvertent, and not the fault of my client ViaSat.

17 4. I am in charge of the office, and I am responsible. I apologize to the Court, to
18 Acacia, and to ViaSat for these errors.

19 5. Under Civil Local Rule 83.3(g), on February 19, 2018, at approximately
20 6:00 p.m. PST, I emailed counsel for Acacia to provide notice of ViaSat's *Ex Parte*
21 Application For Leave to Correct Errors in its Motions for Summary Judgment and to
22 Exclude Expert Testimony.

23 I declare under penalty of perjury that the foregoing is true and correct. Executed on
24 February 19, 2018, in San Francisco, California.

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26 _____

27 Matthew S. Warren
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